

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MACKENZIE-CHILDS, LTD.,

Plaintiff,

Civil Action No.
06-CV-6107-MAT-
MWP

- vs -

VICTORIA MACKENZIE-CHILDS, RICHARD MACKENZIE-
CHILDS and V&R EMPRISE, LLC,

Defendants.

VICTORIA MACKENZIE-CHILDS, RICHARD MACKENZIE-
CHILDS and V&R EMPRISE, LLC,

Counterclaim Plaintiffs,

- vs -

PLEASANT ROWLAND, MACKENZIE-CHILDS OF NEW
YORK, LTD. and MACKENZIE-CHILDS, LTD.,

Counterclaim Defendants.

STIPULATION AND ORDER

The undersigned parties stipulate:

- (1) to join MC Acquisition 2008 LLC as an additional Plaintiff;
- (2) to substitute Nixon Peabody LLP for Harter Secrest & Emery LLP as attorneys of record for MacKenzie-Childs, Ltd., Pleasant Rowland, and MacKenzie-Childs of New York, Ltd.

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By agreeing to this Stipulation, Defendants do not waive any rights they may have against Harter Secrest & Emery LLP.

SO STIPULATED

/s/ Howard D. Leib

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LLC, PLEASANT ROWLAND,
MACKENZIE-CHILDS OF NEW YORK,
LTD. and MACKENZIE-CHILDS, LTD.

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The Clerk of the Court is directed to add MC Acquisition 2008 LLC as
SO ORDERED an additional plaintiff and to substitute Nixon Peabody LLP
for Marken Secrest & Emery LLP as attorneys of record
for Mackenzie-Childs, Ltd., Pleasant Rowland and
Mackenzie-Childs of New York, Ltd.

Marian W. Payson

Marian W. Payson

United States Magistrate Judge

Dated: 5/20/08